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Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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| In the Matter of |) | |
| |) | |
| Petition by the United States Dept. |) | NSD-L-99-24 |
| Of Transportation for Assignment |) | |
| Of an Abbreviated Dialing Code (N11) |) | |
| To Access Intelligent Transportation) |) | |
| System (ITS) Services Nationwide |) | |
| |) | |
| Request by the Alliance of Information |) | |
| And Referral Systems, United Way of |) | NSD-L-98-80 |
| America, United Way 211 (Atlanta,) |) | |
| Georgia), United Way of Connecticut, |) | |
| Florida Alliance of Information and |) | |
| Referral Services, Inc., and Texas |) | |
| I&R Network for Assignment of 211) |) | |
| Dialing Code |) | |
| |) | |
| The Use of N11 Codes and Other |) | CC Docket No. 92-105 / |
| Abbreviated Dialing Arrangements |) | |

To: The Commission

**Petition for Reconsideration
Of Nextel Communications, Inc.**

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ENCLOSURE

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I. INTRODUCTION

Pursuant to Section 1.429(a) of the Rules of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully requests reconsideration and clarification of the Third Report and Order and Order on Reconsideration ("Order") in the above referenced proceedings.¹

The Order requires that telecommunications carriers, including Commercial Mobile Radio Service ("CMRS") providers such as Nextel, implement 511 for the

¹ Third Report and Order and Order on Reconsideration, FCC 00-256, released July 31, 2000.

provision of intelligent transportation systems information and 211 for access to community information and referral services. Nextel seeks reconsideration of the Commission's decision to limit the provision of 511 travel services solely to governmental entities. Because traffic and travel information is likely to be a competitive CMRS service, the Commission should allow carriers to determine the manner by which they will provide intelligent transportation information via 511. The rules governing deployment of 211 on wireless networks, moreover, must be clarified so carriers can provide access to consistent community referral services across their systems. As written, the Commission's 211 requirements do not clearly define what entities are entitled to request the use of 211.

II. DISCUSSION

A. The Commission Should Reconsider its Decision to Limit 511 Services to "Governmental Entities"

In the Order, the Commission states that "a governmental entity may request 511 from both wireline and wireless providers to use for intelligent transportation systems or other transportation information."² The Commission reached this decision despite the fact that wireless carriers in the competitive CMRS marketplace already are considering the launch of travel information services. Private entities are providing intelligent transportation information today,³ offering general traffic information, personalized traffic information according to the specific caller's profile, and other detailed information on specific traffic accidents. Thus, Nextel has competitive alternatives for providing quality travel information service for its users. As more and more wireless

² *Id.* at para. 15.

³ For example, companies such as Traffic Station and SmarTraveler can provide traffic information services to wireless carriers for the provision of 511 service to the public.

carriers deploy travel information services via 511 there will be incentives for these travel information providers to upgrade their services and compete for the business of wireless carriers. Competition will lead to additional consumer choices, lower prices and higher quality services – all of which are in the public interest.

On reconsideration, Nextel requests that the Commission allow wireless carriers to provide travel information through alternative means rather than solely through governmental agencies. Providing such flexibility would result in a number of benefits: (a) wireless carriers would be forced to compete and provide better quality services; (b) wireless consumers would have service options – rather than the same travel service (via the state) provided by all carriers; and (c) wireless consumers could have a consistent user experience across their carrier's network since the carrier would not be forced to deploy varying intelligent transportation information systems from state to state.

As a nationwide wireless provider, it is imperative that Nextel offer its customers consistent uniform services across Nextel's network. Thus, a Washington, D.C.-based Nextel subscriber who travels north to Baltimore, Maryland or south to Richmond, Virginia should be able to dial 511 in any of those jurisdictions and know what to expect. The quality of service, the type of information provided and the responsiveness of the 511 information provider should not vary as the subscriber travels throughout Nextel's service areas. The Commission stated that "[i]n order to put the 511 code to the best use, callers should have access to information that transcends municipal boundaries and that is easily retrievable in a single call."⁴ This is most effectively and efficiently accomplished by ensuring a single, nationwide consistent deployment of 511 on each carrier's network.

⁴ *Id.* at para. 15.

If a state has its own intelligent transportation system, Nextel requests that the Commission require wireless carriers to transmit 511 to that system only if they have not deployed their own travel information services. If a carrier is providing its own 511 services, it should not be required to replace them with the state's service.⁵ Any mandate to send 511 calls to a governmental agency, moreover, must be accompanied by a right of carrier cost recovery. In the future, 511 services are likely to grow in consumer familiarity and use. As a result, there will be costs associated with providing the service. Thus, if carriers are forced to use the state's system, the state should be prepared to permit carrier cost recovery.⁶

B. The Commission Should Clarify, and Thereby Limit, the Scope of Entities Entitled To Request 211 Deployment

In the Order, the Commission concludes that the "Information and Referral Petitions have demonstrated sufficient public benefits to justify use of a scarce public resource [*i.e.*, 211]. . . ."⁷ Nextel agrees that accessing community and referral information is an important public benefit, and by assigning a consistent uniform code for such access, the Commission is serving the public interest. However, ensuring easy access to such information requires public awareness of the availability of 211 and, most importantly, public understanding of what information they will access when they dial 211. If, for example, Nextel receives a request in Alexandria, Virginia to translate 211 to

⁵ Moreover, if a carrier deploys the state's 511 services and later decides to deploy its own travel information services, the carrier should have to authority to send its customers to its own services via 511.

⁶ Additionally, the Commission should not require carriers to provide location information to state entities deploying travel information services.

⁷ *Id.* at para. 18.

a local women's shelter, a request in Stafford, Virginia to translate 211 to a suicide prevention hotline, and a request in Great Falls, Virginia to translate 211 to a medical information hotline, a Nextel user cannot be certain what information is available via 211 in Northern Virginia. Under the Commission's current rules, nothing prevents any of these entities (and more) from requesting use of 211 on the Nextel system. Additionally, the Commission's rules could allow all of those above entities to request 211 from Nextel in the same jurisdiction. Because Nextel's system can translate 211 to only one number in a single geographic area, the Commission's rules inappropriately place Nextel in the position of 211 "referee."

If the Commission's goal, as stated in the Order, is to "bring community information and referral services to those who need them, providing a *national* safety network for persons to get access readily to assistance[.]"⁸ then the Commission must ensure that 211 is deployed uniformly and consistently throughout the nation. 211 must mean the same thing to users in Northern Virginia as it means to users in Atlanta, Georgia. Otherwise, potential 211 callers will not know what information is available when calling 211.

Thus, to ensure that 211 is used most effectively and efficiently to achieve the its goals, the Commission must clarify what organizations are entitled to request 211 deployment. Stating that a telecommunications provider is required to deploy 211 when it "receives a request from *an entity (e.g., the United Way)* to use 211 for access to community information and referral services,"⁹ is not sufficiently clear to either (a) put carriers on notice as to the entities entitled to use 211 on their systems, or (b) put

⁸ *Id.* at para. 19 (emphasis added).

⁹ *Id.* at para. 21 (emphasis added).

consumers on notice of the information available via 211. Therefore, Nextel requests clarification of the 211 rules.

Once the Commission clarifies what organizations are eligible for 211, there should be only one translation number for 211 in each state. This would create uniformity and consistency of 211 services throughout the state as a single 211 entity could transfer callers to the appropriate agency according to the caller's particular needs, *e.g.*, drug and alcohol counseling, suicide counseling, Medicare, Medicaid or food stamp information, or any number of other community/referral information questions. While Nextel recognizes that transferring callers could increase the time required to reach the caller's desired community information service, the result is more acceptable than not reaching assistance at all, as could be the case with 211 translating to an organization wholly unrelated to the information sought by the caller.¹⁰

Establishing only one 211 number per state also will reduce the number of technical complexities wireless carriers face in routing and deploying N11 codes. The smaller the geographic area of a 211 entity, the greater the likelihood of misrouting a 211 call. For example, given the number of cell sites a wireless carrier likely has deployed in the Arlington and Alexandria areas of Northern Virginia, it would be very difficult to ensure that a caller in South Arlington is routed to Arlington County 211 number because

¹⁰ Since these calls, while important to the caller, should not be life threatening, time-sensitive calls, the added delay should not adversely affect the usefulness of the service. Any life-threatening call, where time is of the essence, should continue to be made via 911. Moreover, a centralized 211 entity, capable of transferring callers according to their specific needs, could transfer callers immediately to 911 as necessary.

the caller may be operating on a cell site located within Alexandria, thus resulting in a call to the Alexandria 211 service.¹¹

To reduce these technical complexities and provide a more uniform service to wireless consumers, the Commission should require that wireless carriers deploy 211 on a statewide basis. This would provide a simpler, more effective community information and referral service for wireless subscribers. Although routing issues discussed above would continue to be a problem on state borders (*e.g.*, the Washington D.C., Maryland and Virginia metropolitan area), they would occur less frequently than in a community-by-community routing scenario. However, the Commission should recognize that the state border issues may be particularly problematic where one state has deployed 211 services and the adjacent state has not. If, for example, Maryland has deployed 211 services, and a wireless caller in Maryland dials 211, the caller would not be connected to anyone if dialing 211 while on a cell site located in Virginia (at the Maryland/Virginia border). Because, in this example, Virginia has not deployed 211 services, cell sites in Virginia would not be programmed to translate 211 calls.¹²

¹¹ Nextel recognizes that wireless carriers have, to some extent, addressed these routing issues with the deployment of basic and enhanced 911. Calls from a particular cell site are routed to a pre-arranged Public Safety Answering Point (“PSAP”), whether or not the caller’s physical location is within the political boundaries of that PSAP at the moment the call is made. This is an acceptable solution for 911 services because dialing 911 is designed to put the caller in touch with the nearest emergency services – not a particular emergency services entity. A 211 caller, on the other hand, may be trying to reach a specific 211 service (*e.g.*, an Alexandria family planning organization) but because the call is being handled by a cell site in Arlington, it would be transferred to the Arlington 211 agency, which could be, for example, a homeless shelter.

¹² Given these and other complexities of wireless systems, Nextel also seeks clarification that wireless carriers will not be liable for routing 211 or 511 callers to the “wrong” entity. Similarly, as with the provision of 911 and E911 services, wireless carriers should not be liable for dropped 211 or 511 calls.

Recognizing the complex routing issues created by wireless services, Nextel respectfully requests that the Commission reduce their impact by deploying 211 services on a state-by-state basis. Attempting to deploy 211 on a more local level will result in customer confusion and inconsistent service, thus potentially defeating the Commission's 211 deployment goals.


III. CONCLUSION

For the reasons discussed herein, Nextel respectfully requests that the Commission reconsider and clarify its decisions on 511 and 211 deployment.

Respectfully submitted,

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